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11 **UNITED STATES DISTRICT COURT**
12
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 IZUMI OHKUBO,

15 Plaintiff,

16 v.

17 ANTARA BIOSCIENCES, INC.
18 MARC R. LABGOLD AND DANA
19 ICHINOTSUBO,

20 Defendants.

Case No.: C07 06354 JW

**STATUS REPORT ON JAPANESE
LITIGATION IN CONNECTION
WITH PENDING MOTION TO
DISMISS**

[Declaration of Dana Ichinotsubo
submitted concurrently herewith]

Honorable James Ware
Courtroom 8

Complaint Filed: December 14, 2007

**TO THE PARTIES, COUNSEL OF RECORD, AND THIS
HONORABLE COURT:**

This Status Report is respectfully submitted in an effort to keep the Court apprised of events relevant to Defendants' pending Motion to Dismiss. The present litigation has effectively been stayed by mutual agreement of the Parties while the Motion to Dismiss is *sub judice*.

As the Court knows, there is a co-pending Japanese Litigation, referred to in the Parties' respective papers, that closely mirrors the instant action. In that case, Plaintiff Ohkubo submitted only one third party declaration – that of Mr. Toshiaki Suzuki – the individual that Defendants have asserted is a necessary witness to the issues pending in this litigation. (Declaration of Dana Ichinotsubo, ¶5.). A few days ago, on or about July 31, 2008, the Japanese Court issued a decision in Plaintiff Okhubo's favor in the Japanese Litigation. (Id., ¶6.).

Defendants respectfully submit both of these facts – Plaintiff's use of Suzuki as a witness and a decision on the merits in Japan – further support dismissal of the present lawsuit on forum *non conveniens* grounds in favor of the Japanese Court.

DATED: August 4, 2008

**MICHAEL J. HARTLEY
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/s/ Michael J. Hartley

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